

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 5380 of 2004

Between:

- 1 B.Kasturi W/o Dr. E.Sreenivasarao,
- 2 A.Jayasree W/o G.Samuel
- 3 J.Usha Kumari W/o S.R. Subrahmanhyam
- 4 K.Aruna Devi W/o Y. Appajee
- 5 V.Janaki w/o G.Uday Bhaskar
- 6 Dr. V.V.Ramana W/o B.Sesha Sreenivas
- 7 K.Satyavathi W/o K.Ravinder
- 8 M.Sree Krishna Kumari W/o K. Saibaba
- 9 P.Syamala W/o C.Obula Naidu
- 10 P.Aruna W/o V.Srinivasa Reddy
- 11 M.Sita Mahalakshmi W/o P.Ramesh
- 12 K.Ratnamma D/o K.Venkat Raju
- 13 V.Rajya Lakshmi W/o G.V.Mohan Rao
- 14 A.Aruna W/o N.Benerje Rao
- 15 M.Kamala Rani W/o R.I.S.Raju Rao
- 16 Dr. C.Krishan Kumari D/o Late C.Somayagulu
- 17 D.Radha Ramana W/o V.Rama Prasad Rao
- 18 K.A. S.Pankaja Kumari W/o J.R.K. Babu
- 19 K.Jayasree W/o M.D. Jagadish Chandra
- 20 T.V. Padmavathi W/o T.J.N. Tagore
- 21 N.Madhu Nirmala
- 22 L.Sarada Devi

(All the petitioners worked in 1991 and are working now at Singareni Collieries
Women's Degree College, Kothagudem)

..... PETITIONERS

AND

- 1 The State of Andhra Pradesh, Rep., by its Principal Secretary to Government, Higher Education Dept., Secretariat, Hyderabad
- 2 Commissioner & Director of Collegiate Education , Government the AP Nampally, Hyderabad
- 3 The Singareni Collieries Company Limited
(A Government Company) rep., by its Chief General Manager (T & E), Kothagudem
- 4 The Secretary & Correspondent S.C. Women's Degree College, Kothagudem -507101
- 5 The Principal, SC Women's Degree College Kothagtudem, Khammam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not preserving 30 days Earned Leave consequent on preventing them from availing summer vacation during 1991 in connection with mid term poll of House of Parliament 1991 with all consequential benefits, on par with Govt. Lecturers, in pursuance of F.R.82 (b), Subsidiary Rule 6 read with G.O.Ms.35 Education dt. 16/1/1981 by extending the benefit of Judgment dt. 30/08/1999 in OA.No.5428/96 & batch, as arbitrary, illegal discriminatory, and violative of Article 14,16 & 21 of the Constitution of India and consequently direct the respondent to preserve 30 days Earned Leave with all consequential benefits.

Counsel for the Petitioners: MR.CHANDRAIAH SUNKARA

Counsel for the Respondent No.1 & 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3: MR. K. SRINIVASA MURTHY

Counsel for the Respondent No.4 & 5: None appeared.

The Court made the following:

ORAL ORDER:

The petitioners filed this writ petition seeking a Writ of Mandamus to declare the action of respondents in not preserving 30 days earned leave consequent on preventing them from availing summer vacation during 1991 in connection with mid term poll of House of Parliament 1991 with all consequential benefits, on par with Government lecturers, in pursuance of F.R. 82(b), subsidiary Rule 6 read with

G.O.Ms.No.35, Education dated 16-1-1981, by extending the benefit of judgment dated 30-8-1999 in O.A.No.5428 of 1996 and batch.

The Counsel appearing for the petitioners restricts their claim only to direct the respondent No.2 and 3 to consider the representation dated 24-1-2004 filed before the second respondent requesting him to sanction 30 days earned leave. It is stated that the said representation dated 24-1-2004 was forwarded through proper channel i.e., Correspondent/Secretary, SC Women's Degree College, Kothagudem, Khammam District (fourth respondent).

Having regard to the facts and circumstances of the case, the fourth respondent is directed to forward the said representation of the petitioners dated 24-1-2004 to the second respondent, if not already forwarded, and on receipt of such representation, the second respondent is directed to dispose of the same within eight weeks from the date of receipt of a copy of this order and pass appropriate orders. Accordingly the writ petition is disposed of. No costs.

22-07-2004

es/shr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal Secretary to Government, Higher Education Department,
The State of AP Secretariat, Hyderabad
- 2 Commissioner & Director of Collegiate Education,
Government the AP Nampally, Hyderabad
3. The Chief General Manager (T & E), The Singareni Collieries Company Limited,
(A Government company), Kothagudem, Khammam District.

4. The Secretary & Correspondent, S.C. Women's Degree College, Kothagudem, Khammam District.

5. The Principal, S.C. Women's Degree College, Kothagudem, Khammam District.

6. Two CCs to the Government Pleader for Higher Education, High Court Buildings, Hyderabad (OUT).

7. 2 CD copies.